



Atty. Dkt. No. 16038.045
(072121-0310)

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul A. Renhowe et al.

Title: Quinolinone Derivatives

Appl. No.: 10/613,411

Filing Date: 07/03/2003

Examiner: Unknown

Art Unit: 1614

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p>_____ Bernard P. Friedrichsen (Printed Name)</p> <p>_____ (Signature)</p> <p>_____ December 29, 2003 (Date of Deposit)</p>
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**PETITION UNDER RULE 59(b) TO EXPUNGE
PROPRIETARY INFORMATION SUBMITTED UNDER MPEP § 724.02**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the information in the sealed envelope or container labeled "PROPRIETARY MATERIAL NOT OPEN TO PUBLIC. TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED PATENT AND TRADEMARK OFFICE EMPLOYEE" filed herewith be expunged and returned to Applicant.

Applicant submits the following in support of this petition to expunge:

1. The Proprietary Information Disclosure Statement (PIDS) filed herewith is submitted in compliance with MPEP § 724 and § 724.02. The sealed envelope with the material to be expunged includes (1) a PIDS; (2) a Proprietary Form PTO-1449; and (3) cited documents that Applicants consider to be proprietary in nature as pending, but unpublished patent applications.
2. The information listed in the PIDS and to be expunged is deemed trade secret materials, proprietary material, and/or subjective to a protective order.
3. The information being expunged has not been otherwise made public.
4. The petitioner will retain the proprietary information for the period of any patent with regard to which such information is submitted.

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130.00 DP

5. This petition to expunge is being submitted by the same party who originally submitted the PIDS.


6. A check in the amount \$130.00 is enclosed to cover the fee as set forth in 37 C.F.R. § 1.17(i) for a petition under 37 C.F.R. § 1.59(b).

Applicants therefore request that the PTO return the PIDS filed herewith to Applicants.

Applicants believe no additional fees are due. However, should any additional fee be due, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350.

Respectfully submitted,

Date December 29, 2003

By 

FOLEY & LARDNER
Customer Number
23524

Telephone: (608) 258-4281
Facsimile: (608) 258-4258

Bernard P. Friedrichsen
Attorney for Applicant
Registration No. 44,689



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--

**TRANSMITTAL LETTER FOR PROPRIETARY INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR § 1.56 AND MPEP § 724 AND § 724.02**

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith is an envelope that contains a Proprietary Information Disclosure Statement, a PTO-1449 form, and cited documents.

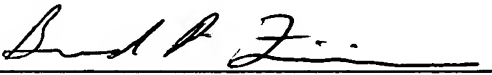
The materials in the accompanying sealed envelope or other container and marked "PROPRIETARY MATERIAL NOT OPEN TO PUBLIC. TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED PATENT AND TRADEMARK OFFICE EMPLOYEE" are considered trade secrets or proprietary, or are subject to a protective order, and are being submitted for consideration under MPEP § 724.

A petition to expunge the information, if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent, also accompanies the envelope or container along with the appropriate fee.

Applicants respectfully request that the information be considered only by the Examiner in charge of the above-captioned application, or other authorized United States Patent and Trademark Office employee.

Respectfully submitted,

Date December 29, 2003

By 

FOLEY & LARDNER
Customer Number: 23524
Telephone: (608) 258-4281
Facsimile: (608) 258-4258

Bernard P. Friedrichsen
Attorney for Applicant
Registration No. 44,689



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul A. Renhowe et al.

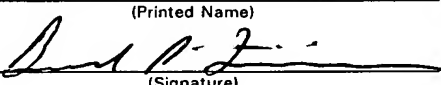
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PROPRIETARY INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.56 AND MPEP § 724 AND § 724.02

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

The following is a pending unpublished U.S. patent application which relates to the above-identified application:

U.S.S.N. 10/387,355 filed on March 12, 2003

Applicants consider the aforementioned document and the disclosure of its existence as a pending unpublished application to constitute proprietary information. Accompanying this Proprietary Information Disclosure Statement is a transmittal letter indicating that the materials contained herein are proprietary, as required by MPEP § 724.02.

Filed herewith is a petition to expunge and the appropriate fee, as provided according to MPEP § 724.05.

Submitted herewith on Form PTO-1449 is a listing of the afore-mentioned document known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR § 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR § 1.97 and § 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR § 1.97(b)(3), before the mailing date of the first Office Action on the merits. In the event that an Office Action on the merits has been mailed to applicants, then the listed documents are being submitted in compliance with 37 CFR § 1.97(c)(2), and the Commissioner is hereby authorized to charge the fee of \$180.00 (Fee Code 1806) set forth in 37 CFR § 1.97(c)(2) and § 1.17(p) to Deposit Account No. 50-2350 for such purpose.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

FEE

Applicants believe no fee with respect to the information disclosure statement is due. However, should any additional fee be due, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a

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Respectfully submitted,

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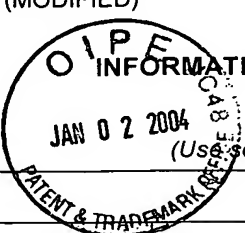
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Page 1 of 1

Form PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 16038.045 (072121-0310)		SERIAL NO. 10/613,411	
 <p>INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)</p>				APPLICANT Paul A. Renhowe et al.			
				FILING DATE 07/03/2003		GROUP ART UNIT 1614	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
		10/387,355	Filed 3/12/03	Renhowe et al.			
FOREIGN PATENT DOCUMENTS							
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER				DATE CONSIDERED			
<p>* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.</p>							